



PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

**BROOKE, ET AL.**Serial No.: **10/807,057**Filed: **03.23.2004**Title: **"XML SERVER  
PAGES LANGUAGE"**§  
§  
§  
§  
§  
§  
§  
§Group Art Unit: **2176**Examiner: **Queler, Adam M.**Atty. Docket No.: **016295.1595**

MAIL STOP AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

## CERTIFICATE OF MAILING VIA EXPRESS MAIL

PURSUANT TO 37 C.F.R. § 1.10, I HEREBY CERTIFY THAT I HAVE  
INFORMATION AND A REASONABLE BASIS FOR BELIEF THAT THIS  
CORRESPONDENCE IS BEING DEPOSITED WITH THE U.S. POSTAL  
SERVICE AS EXPRESS MAIL POST OFFICE TO ADDRESSEE, ON THE  
DATE BELOW, AND IS ADDRESSED TO:

MAIL STOP AMENDMENT  
HONORABLE COMMISSIONER FOR PATENTS  
P. O. Box 1450  
ALEXANDRIA, VA 22313-1450.

*Ronald L. Chubert*  
SIGNATURE

DATE OF MAILING: July 1, 2005  
EXPRESS MAIL LABEL: EV590026135US

07/07/2005 WABDELRI 00000018 10807057

01 FC:1814

130.00 OP

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION  
OVER A PRIOR PATENT**

Dear Sir:

Applicants respectfully submit herewith a Terminal Disclaimer, and request  
consideration as set forth in the accompanying Response to Non-Final Office Action, in light of  
this Terminal Disclaimer herein below.

**TERMINAL DISCLAIMER**

The owner, Dell Products L.P., of one hundred percent ("100%") interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent Number 6,748,569. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patents, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims canceled by a reexamination certificate, is reissued or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

As attorney of record for the Applicant, I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issued thereon.

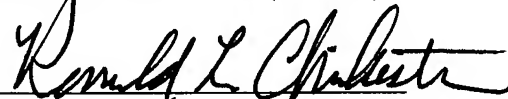
SUMMARY

In light of the above amendments and remarks, consideration allowance of the pending claims is respectfully requested. It is further submitted that the application is now in condition for allowance and early notice of the same is earnestly solicited. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone or facsimile.

Applicant submits herewith check #932173 in the amount of \$130.00 for, among other things, the Terminal Disclaimer fee (37 C.F.R. §1.20(d)). Applicant believe there are no additional fees due in association with the filing of this response. However, if the Commissioner should deem any additional fees due, including any fees for extensions of time, Applicant respectfully request that the Commissioner accept this a Petition therefore, and direct that any and all additional fees due are debited from, or any overpayments credited to, Baker Botts L.L.P. Deposit Account No. 02-0383, (formerly Baker & Botts, L.L.P.,) Order Number 016295.1595.

Respectfully submitted,

BAKER BOTTS L.L.P. (023640)

By: 

Ronald L. Chichester

Reg. No. 36,765

One Shell Plaza

910 Louisiana Street

Houston, TX 77002-4995

Telephone: 713.229.1341

Facsimile: 713.229.7741

EMail: Ronald.Chichester@bakerbotts.com

ATTORNEY FOR APPLICANT

July 1, 2005